

**IN THE CLAIMS:**

Please amend claim 1, with the clean version provided below to read as follows:

C1  
1(Amended). A polynucleotide which induces anti-HSV antibodies or protective immune responses upon introduction into vertebrate tissue, wherein said polynucleotide comprises at least one gene encoding at least one HSV protein or truncated protein, said gene or genes being operably linked to a transcriptional promoter.

Please amend claim 2, with the clean version provided below to read as follows:

2(Amended). The polynucleotide of Claim 1, wherein said gene encodes an HSV protein selected from a group consisting of gB, gC, gD, gH, gL, ICP27 and truncated gB.

Please amend claim 12, with the clean version provided below to read as follows:

C2  
12(Amended). A method for inducing immune responses in a vertebrate against HSV epitopes which comprises introducing the vaccine according to Claim 11 into a tissue.

Please amend claim 13, with the clean version provided below to read as follows:

13(Amended). A vaccine for inducing immune responses against HSV which comprises the polynucleotide of Claim 11 and a pharmaceutically acceptable carrier.

**REMARKS**

This Amendment is filed in response to the Office Action mailed October 2, 2002. A Petition to Extend Time under 37 C.F.R. § 1.136(a) for three (3) months, up to and including Wednesday, April 2, 2003, is enclosed. Claims 1-13 are pending. Applicants herein traverse and respectfully request reconsideration of the rejection of claims 1-13 in view of the foregoing remarks.

Claims 1, 2, 12 and 13 have been amended to more particularly point out and distinctly claim the present invention. More specifically, claims 1 and 2 were amended to delete reference to "functional equivalents" and recite truncated forms of HSV genes. Claim 13 was amended to insert proper antecedent basis for "polynucleotide" in the claim. Claim 1 was further amended to